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Attorneys for Defendant
NEW ALBERTSON'S, INC.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

RAYMOND W. LONDON, on behalf of Himself and All Others Similarly Situated,

Plaintiff,

vs.

NEW ALBERTSON'S, INC.; CERBERUS CAPITAL MANAGEMENT (CALIFORNIA), LLC, and SAVE MART SUPERMARKETS,

Defendants.

CASE NO.: 08-1173 HC AB

Assigned to: Hon. Marilyn Huff

JOINT MOTION FOR SPECIAL BRIEFING SCHEDULE AND TO EXCEED PAGE LIMITS

Complaint filed: May 29, 2008
First Amended Complaint filed: July 28, 2008

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The parties to the above-captioned mater hereby stipulate and agree as follows:

WHEREAS, the Defendants who have appeared in this action, New Albertson's, Inc. ("Albertsons") and Cerberus Capital Management (California), LLC ("Cerberus"), filed separate motions to dismiss plaintiff's Complaint on July 10, 2008 (Doc. Nos. 5, 11.);

WHEREAS, on July 28, 2008, Plaintiff filed an amended complaint (Doc. No. 14.);

WHEREAS, on August 4, 2008, this Court denied as moot the motions to dismiss Plaintiff's original complaint, without prejudice to Defendants' ability move for dismissal of the amended complaint;

WHEREAS, Save Mart Supermarkets has not yet entered an appearance;

WHEREAS, Defendants Cerberus and Albertsons intend to file separate motions to dismiss the amended complaint;

WHEREAS, the amended complaint includes new allegations and a new cause of action which is a claim under the Consumer Legal Remedies Act (Cal. Civ. Code § 1750) including alleged violations corresponding to four distinct prohibitions under the statute. *See* First Amended Complaint ¶ 103 (a)-(d) (asserting separate claims under Cal. Civ. Code § 1770(a)(4), (5), (9) and (14).).

WHEREAS, given the number of causes of action and legal issues, Albertsons believes that, in order to provide a complete, well-reasoned analysis, it will need to file a memorandum of points and authorities which it anticipates will be 30 pages in length (exceeding the page limit by five pages). Plaintiff anticipates that a 30 pages opposition brief will be required to adequately address the issues raised in Albertsons' motion.

WHEREAS, counsel for Plaintiff, Albertsons and Cerberus have met and conferred on a briefing schedule and are agreeable to the following:

- August 14, 2008: Cerberus and Albertsons may file motions to dismiss and Albertsons' brief may exceed the page limit by five (5) pages;
- September 10, 2008: Plaintiff may file opposition papers including a brief in opposition to Albertsons' motion to dismiss which may exceed the page limit by five (5) pages;
- August 14, 2008: Cerberus and Albertsons may file reply briefs and Albertsons' brief may exceed the page limit by two (2) pages;

- September 29, 2008: Hearing date.

Plaintiff, Albertsons and Cerberus stipulate and agree to the foregoing and request that the Court approve this briefing schedule and page limits and set this matter for a hearing on September 29, 2008 or the first available date thereafter:

SO STIPULATED.

FINKELSTEIN & KRINSK LLP

Dated: August 5, 2008

By: s/ William Restis ______________________
JEFFREY R. KRINSK
MARK L. KNUTSON
WILLIAM R. RESTIS
Attorneys for Plaintiff
RAYMOND W. LONDON

MILBANK, TWEED, HADLEY & MCCLOY LLP

Dated: August 5, 2008

By: s/ Jason B. Baim ______________________
JERRY L. MARKS
JASON B. BAIM
Attorneys for Defendant
CERBERUS CAPITAL MANAGEMENT (CALIFORNIA) LLC

DORSEY & WHITNEY LLP

Dated: August 5, 2008

By: s/ Kent J. Schmidt ______________________
KATHLENE W. LOWE
KENT J. SCHMIDT
JOHN P. CLEVELAND
Attorneys for Defendant
NEW ALBERTSON'S, INC.

SO ORDERED.

Dated: August ___, 2008

By: ____
JUDGE OF THE U.S. DISTRICT COURT

KATHLENE W. LOWE (SBN 145404)
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Attorneys for Defendant
NEW ALBERTSON'S, INC.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

RAYMOND W. LONDON, on behalf of Himself and All Others Similarly Situated, Plaintiff, vs. NEW ALBERTSON'S, INC.; CERBERUS CAPITAL MANAGEMENT (CALIFORNIA), LLC; and DOES 1 through 25, inclusive, Defendants.	CASE NO.: 08-1173 HC AB Assigned to: Hon. Marilyn Huff **PROOF OF SERVICE** Complaint filed: May 29, 2008

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I, Kent J. Schmidt, certify and declare as follows:

I am member of the bar of this court and counsel for Defendant New Albertson's, Inc. I am over the age of 18 and not a party to the within entitled action. My business address is 38 Technology Drive, Suite 100, Irvine, CA 92618.

On August 4, 2008, I caused service of the following document JOINT MOTION FOR SPECIAL BRIEFING SCHEDULE AND TO EXCEED PAGE LIMITS on Jeffrey Krinsk (JRK@classactionlaw.com); Jerry Marks (jmarks@milbank.com) and Jason Baim (jbaim@milbank.com) by electronically filing the documents with the Clerk of the District Court using its ECF System, which electronically notifies them.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 6th day of August, 2008, at Orange County, California.

s/ Kent J. Schmidt
Kent J. Schmidt